

Representatives and the Republican leader of the House of Representatives. It is agreement that involves tradeoffs. But the basic underlying purpose of the agreement was and is to stimulate the economy. It may or may not do that, but the one positive effect I will stipulate it will have is it creates at least a sense that the Congress and the Government and the President and the Speaker of the House and the Democrats and the Republicans can cooperate to try to address what is clearly a slowing of our economy through some fiscal policy action.

Even though it is \$150 billion, which is a lot of money—and all that money is going to have to be borrowed from our children, unfortunately, and over 10 years it totals up to being about a \$200 billion event because of interest compounding on it—even though that is a high price tag to pay for what you might call a confidence builder, it is still something you can argue should be done if you have that type of an agreement.

For the Senate to sort of step in and say: Well, we want to tinker with it, and we want to change it there, well, it is nothing more than an execution of Senate prerogative, but it is not going to help the policy because none of the proposals coming out of the Senate committee are all that good on the side of policy—especially the unemployment insurance proposal and the lifting of the caps on the benefits proposal—what it is going to do is undermine the confidence of the American people that we as a government can act.

So the high water mark appears to me to have been reached on this issue when the President and the Speaker of the House reached agreement, working with the Republican leader in the House. I think we as a Senate ought to take sort of a mature attitude and say: Well, progress was made. We are confronting a fairly serious situation. Let's not throw out our proposal simply for the sake of putting a proposal on the table. Let's recognize that something needs to be done quickly, and that this is the best we are going to get. Hopefully, that will be the resolution of this process as we move toward concluding, and one hopes this can be done within the next week.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

#### ORDER OF PROCEDURE

Mr. BOND. Mr. President, I have three colleagues who want to join me in discussions of the FISA bill. I realize in morning business it is supposed to be 10 minutes. Since there are three different Members with whom I wish to have those discussions, I ask unanimous consent to be allotted 30 minutes to this will be on the FISA bill, but since we are speaking in morning business, I ask unanimous consent to be recognized, with my colleagues, for 30 minutes.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

#### FISA

Mr. BOND. Mr. President, our first Member is a distinguished member of our Intelligence Committee, the distinguished junior Senator from North Carolina. I yield to him.

Mr. BURR. Mr. President, I thank the ranking member, Senator BOND.

We have heard some people claim that the Intelligence Committee's bill will allow dragnet surveillance that will sweep up communications of innocent Americans. Is this accurate?

Mr. BOND. Mr. President, that question has been raised. We have heard that on the floor a number of times. I think it is very important that we dispel that myth right now. The answer is no—a flat no. Our committee bill only allows the targeting of persons outside the United States to obtain foreign intelligence information. It is not dragnet surveillance. The targets of acquisition must be foreign targets and they must be suspected terrorists or spies. The Attorney General and the Director of National Intelligence, whom I will refer to as the DNI, must certify that a significant purpose of the acquisition is to obtain foreign intelligence information.

For example, if a foreign target is believed to be an agent or a member of al-Qaida, then all communications of that target could be intercepted.

Only Americans who communicate with suspected terrorists abroad will have those specific communications monitored. If those same communications turn out to be innocent, they will be minimized, which is intel community speak for suppressed, so that Americans' privacy interests are protected.

It is very misleading and nonfactual to suggest that the intelligence community is spying on parents who are calling their children overseas or students who are talking with their friends, or on our own soldiers in the battlefield. Our intelligence professionals are far too busy tracking real terrorists, members of al-Qaida, than to listen to family discussions or conversations between classmates. Not only do they not have time that is not permitted under this bill.

Mr. BURR. What happens when the intelligence community does become interested in the communications of a person inside the United States?

Mr. BOND. Mr. President, I thank my colleague from North Carolina, because that is precisely what our bill, the FISA Act Amendments bill, does. That information will be turned over to the FBI, which would seek a title III criminal warrant, or a FISA order, to intercept all of the communications of that person, not just communications with targets overseas.

Mr. BURR. We have heard a number of people claim that the foreign tar-

geting authorized under the Intelligence Committee's bill contains inadequate protections for U.S. persons. What specific protections are included for innocent Americans?

Mr. BOND. This is where the Intelligence Committee bill goes much farther than any other law we have had in our history in protecting U.S. persons; that is, U.S. citizens and others here in the United States.

The bill includes express prohibitions against "reverse targeting," and reverse targeting is a knowledge that you can target a person overseas when the real purpose is to target someone in the United States. This is illegal. The intelligence community does not do it. Frankly, it is terribly impractical. They cannot under the law that we have presented to this body target a person inside the United States without a court order.

The bill also requires that all acquisitions comply with the protections of the fourth amendment. In addition, the Intelligence Committee bill requires, for the first time in history, that the Foreign Intelligence Surveillance Court—and I will refer to that as the FISC—for the first time in history approve any surveillance of a U.S. person, or an American citizen abroad. This goes beyond the requirement even in existing American criminal law.

Mr. BURR. As my good friend noted, the Intelligence Committee bill gives the FISA Court an important role in foreign targeting. The bill requires that any acquisition be conducted pursuant to the specific targeting and minimization processes and procedures. What is the court's role with respect to these procedures?

Mr. BOND. This provision came about as a result of discussions by members on both sides of the committee who wanted to provide protections for Americans overseas. To do that required a significant expansion and clarification, which is included in the managers' amendment that Senator ROCKEFELLER and I have produced and have pending before the body.

Under this bill, the FISC must review and approve the targeting and minimization procedures used by the Government in conducting its foreign targeting operations. The court must find that the targeting procedures are reasonably designed to ensure that the authorized acquisition is limited to the targeted persons reasonably believed to be located outside the United States. The court must then find that minimization procedures comply with the FISA law.

The court will also review the joint certification issued by the Attorney General and the DNI to make sure that it contains all of the required elements. If the court finds there is a deficiency in those procedures or the certification—that even for a minor drafting or technical reason they do not comply with the law—the court can order the Government to correct the deficiency or cease the acquisition.